

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ocean Trails CLO VII, *et al.*,

Plaintiffs,

v.

MLN TopCo Ltd. *et al.*,

Defendants.

Case No. 1:23-cv-05443-LGS

PROPOSED ORDER TO REMAND

WHEREAS removal of the above-caption action from Supreme Court of the State of New York is based on this Court's jurisdiction over the case under the Class Action Fairness Act ("CAFA"), as codified in 28 U.S.C. §§ 1332, 1453, 1711-15;

WHEREAS, under 28 U.S.C. §1332(d)(5), CAFA shall not apply to actions where "the number of members of all proposed plaintiff classes in the aggregate is less than 100";

WHEREAS there are 96 Plaintiffs named in this action;

WHEREAS the action therefore does not satisfy CAFA's plaintiff numerosity requirement under 28 U.S.C. §1332(d)(5); and

WHEREAS Defendants' notice of removal does not provide any other basis for this and for substantially the reasons stated by Plaintiffs in their submissions Court's jurisdiction over the case; at Dkt. 25 and 49, and having considered Defendants' arguments at Dkt. 47 and 59;

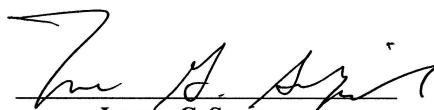
IT IS NOW, THEREFORE, ORDERED, that:

1. This action be **REMANDED** to the Supreme Court of the State of New York, New York County.

The Clerk of Court is respectfully directed to close the motion at Dkt. 24.

So Ordered.

Dated: August 8, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE